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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,525	02/15/2006	Mitsuhiro Kashiwabara	3712174.00517	2922
29175	7590	11/30/2009	EXAMINER	
K&L Gates LLP P. O. BOX 1135 CHICAGO, IL 60690			BREVAL, ELMITO	
			ART UNIT	PAPER NUMBER
			2889	
			NOTIFICATION DATE	DELIVERY MODE
			11/30/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/568,525	KASHIWABARA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ELMITO BREVAL	2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The amendment filed on 11/03/2009 has been entered.

Claims 1, 8-19 are pending.

Claims 17-19 are newly added.

The previous Final rejections have been withdrawn. Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 8-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8, 9, 10, 12-14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki (US. Pub: 2001/0031509).

**Regarding claim 1**, Yamazaki ('509) teaches (in at least figs. 3a and 3b) an organic light emitting comprising an anode (304 of fig. 3a), a cathode (306), and an organic layer (309; [0035]) including a plurality of light emitting layers (309a, 309b, 309c) provided between the anode and the cathode, wherein said light emitting layers

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emit red, green and blue light ([0040]), but silent about which layer among the three layers that individually emits red, green or blue.

However, Yamazaki ('509) teaches (in at least fig. 3b) the three light emitting layers provided directly in contact with one another. In addition, in paragraph [0040], Yamazaki teaches the three light emitting layers can emit red, green, and blue. Furthermore, it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 8. One of ordinary skill in the art would contemplate of forming the red light emitting layer in the anode side, and provide the green light layer directly on the red light emitting, and a blue light emitting layer provide directly on the green light emitting layer for the purpose of having a full color display device with high and stable light efficiency.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to contemplate of forming the red, green, and blue light emitting layers of Yamazaki from the anode side in order to have a full color display device with high and stable light efficiency.

**Regarding claim 8**, Yamazaki ('509) teaches (in at least figs. 3a and 3b) a display comprising a color filter ([0040]) provide on a light take-out surface side of an organic EL device for emitting white light, wherein said organic EL device comprises an organic layer (309) including a plurality of light emitting layers (309a, 309b, 309c) provided between the anode and the cathode, wherein said light emitting layers emit red, green and blue light ([0040]), but silent about which layer among the three layers that individually emits red, green or blue.

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However, Yamazaki ('509) teaches (in at least fig. 3b) the three light emitting layers provided directly in contact with one another. In addition, in paragraph [0040], Yamazaki teaches the three light emitting layers can emit red, green, and blue. Furthermore, it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 8. One of ordinary skill in the art would contemplate of forming the red light emitting layer in the anode side, and provide the green light layer directly on the red light emitting, and a blue light emitting layer provide directly on the green light emitting layer for the purpose of having a full color display device with high and stable light efficiency.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to contemplate of forming the red, green, and blue light emitting layers of Yamazaki from the anode side in order to have a white light emitting device with high and stable light efficiency.

**Regarding claim 9**, Yamazaki ('509) teaches (in at least fig. 3b) each light emitting layer composed of a single layer (i.e. the red light emitting layer also composed of a single layer).

**Regarding claim 10**, Yamazaki ('509) teaches (in at least fig. 3b) each light emitting layer composed of a single layer (i.e. the green light emitting layer also composed of a single layer).

**Regarding claim 12**, Yamazaki ('509) teaches (in at least figs. 3a and 3b) the red light emitting layer supplies holes to the green light emitting layer (i.e. during

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recombination holes from the red light emitting layer that came from the anode will also form in the green light emitting layer in order to emit light).

**Regarding claim 13**, Yamazaki ('509) teaches the blue light emitting supplies electrons to the green light emitting layer (i.e. during recombination electron from the blue light emitting layer will also form in the green light emitting layer).

**Regarding claim 14**, Yamazaki ('509) teaches (in at least figs. 3a and 3b) an organic light emitting comprising an anode (304 of fig. 3a), a cathode (306), and an organic layer (309; [0035]) including a plurality of light emitting layers (309a, 309b, 309c) provided between the anode and the cathode, wherein said light emitting layers emit red, green and blue light ([0040]), but silent about which layer among the three layers that individually emits red, green or blue.

However, Yamazaki ('509) teaches (in at least fig. 3b) the three light emitting layers provided directly in contact with one another. In addition, in paragraph [0040], Yamazaki teaches the three light emitting layers can emit red, green, and blue. Furthermore, it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 8. One of ordinary skill in the art would contemplate of forming the red light emitting layer in the anode side, and provide the green light layer directly on the red light emitting, and a blue light emitting layer provide directly on the green light emitting layer for the purpose of having a full color display device with high and stable light efficiency.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to contemplate of forming the red, green, and blue light

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emitting layers of Yamazaki from the anode side in order to have a full color display device with high and stable light efficiency.

**Regarding claim 16**, Yamazaki ('509) teaches (in at least figs. 3a and 3b) an organic light emitting comprising an anode (304 of fig. 3a), a cathode (306), and an organic layer (309; [0035]) including a plurality of light emitting layers (309a, 309b, 309c) provided between the anode and the cathode, wherein said light emitting layers emit red, green and blue light ([0040]), but silent about which layer among the three layers that individually emits red, green or blue.

However, Yamazaki ('509) teaches (in at least fig. 3b) the three light emitting layers provided directly in contact with one another. In addition, in paragraph [0040], Yamazaki teaches the three light emitting layers can emit red, green, and blue. Furthermore, it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 8. One of ordinary skill in the art would contemplate of forming the red light emitting layer in the anode side, and provide the green light layer directly on the red light emitting, and a blue light emitting layer provide directly on the green light emitting layer, wherein the blue light emitting layer comprises a positive and negative charge transport blue light emitting layer for the purpose of having a full color display device with high and stable light efficiency.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to contemplate of forming the red, green, and blue light emitting layers of Yamazaki from the anode side in order to have a full color display device with high and stable light efficiency.

**Regarding claim 17,** Yamazaki ('509) teaches the red light emitting layer has a hole transporting property, the green light emitting layer has a positive and negative charge transporting property, and the blue light emitting layer has an electron transporting property (i.e. during recombination all these properties hold).

**Regarding claim 18,** Yamazaki ('509) teaches the red light emitting layer has a hole transporting property, the green light emitting layer has a positive and negative charge transporting property, and the blue light emitting layer has an electron transporting property (i.e. during recombination all these properties hold).

**Regarding claim 19,** Yamazaki ('509) teaches the red light emitting layer has a hole transporting property, the green light emitting layer has a positive and negative charge transporting property, and the blue light emitting layer has an electron transporting property (i.e. during recombination all these properties hold).

Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki (US. Pub: 2001/0031509) as applied to claims 1, 8, 9, 10, 12-14, and 16-19 above in view of Suzuki et al., (US. Pat: 6,198,217) of record.

**Regarding claims 11 and 15,** Yamazaki ('217) teaches all the claimed limitations except for a protective film covering the organic layer.

Further regarding claims 11 and 15, Suzuki ('217) teaches an organic EL device comprised of, in part, a protective layer (P of fig. 1; col. 2, line 60) covering the organic layer for the purpose of having a device that is well protected against moisture/oxygen.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to contemplate of using the protective layer of Suzuki in the



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device of Yamazaki for the purpose of having a device that is well protected against moisture/oxygen.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELMITO BREVAL whose telephone number is (571)270-3099. The examiner can normally be reached on M-F (8:30 AM-5:00 Pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Toan Ton can be reached on (571)-272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elmito Breval/  
Examiner, Art Unit 2889

/Toan Ton/  
Supervisory Patent Examiner, Art Unit 2889

November 12, 2009